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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,205	08/04/2005	Peter Eduard Neerincx	70333	3209
66061 7590 01/20/2010 MEADWESTVACO CORPORATION ATTN: IP LEGAL DEPARTMENT 1021 MAIN CAMPUS DRIVE RALEIGH, NC 27606				
EXAMINER NICHOLS IL ROBERT K				
ART UNIT		PAPER NUMBER		
3754				
NOTIFICATION DATE		DELIVERY MODE		
01/20/2010		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketadministrator@mwv.com

# Office Action Summary

**Application No.**

10/518,205

**Applicant(s)**

NEERINCX ET AL.

**Examiner**

ROBERT K. NICHOLS II

**Art Unit**

3754

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 7-10, 12, 13, 16-20 and 22-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7-10, 12, 13, 16-20 and 22-25 is/are rejected.
- 7) ☒ Claim(s) 26 and 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is responsive to the amendment filed on 11/20/2009. As directed by the amendment: claims 1 and 2 have been amended, claim 6 has been cancelled, and no new claims have been added. Thus, claims 1-3, 7-10, 12, 13, 16-20 and 22-27 are presently pending in this application.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

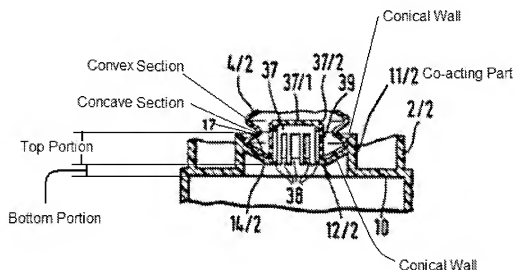
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-3, 7-10, 12, 13, 16, 18-20, and 22-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Andris (US 5,014,881).**

Regarding claims 1 and 20, Andris discloses a pump assembly, including: a bellows part 4, 4/2 or 4/4 (see figs 1, 6 and 12), having a flexible wall (see column 7, lines 12-15); a thickened base 28 at one end of the flexible wall (see figs 1 and 12); a turned-back edge 17 at an opposite end of the flexible wall (see figs 6 and 12); a cylindrical pressure valve 30 adjacent the thickened base at one end of the flexible wall (see figs 1 and 12, and column 8, lines 17-26); and a suction valve 39/57 adjacent to and encircled by the turned-back edge 17 (see figs 6 and 13, column 10, lines 55-60,

and column 15, lines 45-48); a co-acting part 11/2 or 11/4, including: a top portion; and a conical outer wall (see marked-up figure 6 and figure 12); wherein the turned-back edge 17 of the bellows part rests on the top portion of the co-acting part and the bellows part co-operates with the co-acting part 11/2 or 11/4 (see marked-up figure 6 and figure 12).



Regarding claim 2, Andris discloses a thickness 29 of the flexible wall adjacent the thickened base 28 is greater than the thickness of flexible wall adjacent the turned-back edge 17 (see figures 1, 6 and 12).

Regarding claim 3, Andris discloses the turned-back edge 17 being arranged on an outer end thereof (see figures 6 and 12).

Regarding claim 7, Andris discloses the flexible wall further includes a thickened portion i.e. 29 (see figures 1 and 6).

Regarding claim 8, Andris discloses the flexible wall further includes a bend (see figures 1, 6 and 12).

Regarding claim 9, Andris discloses the flexible wall further includes a concave cross-section (see marked-up figure 6).

Regarding claim 10, Andris discloses the flexible wall further includes a convex cross-section (see marked-up figure 6).

Regarding claim 12, Andris discloses the bellows part 4, 4/2 or 4/4 includes a material selected from the group consisting of a thermoplastic polymer and an elastomer (see column 7, lines 12-15).

Regarding claim 13, Andris discloses the flexible wall of the bellows part 4, 4/2 or 4/4 being substantially cylindrical (see figs 1 and 12).

Regarding claim 16, Andris discloses the suction valve 57 further includes three legs 41 connected to the turned-back edge 17 (see figure 13).

Regarding claim 18, Andris discloses the suction valve 39 includes a guide protrusion (see figure 6).

Regarding claim 19, Andris discloses the cylindrical pressure valve 30 includes a cylindrical flexible wall (see figures 1 and 12, and column 8, lines 17-26).

Regarding claim 22, Andris discloses a method of using the assembly including rolling and unrolling the bellows part 4, 4/2 or 4/4 over at least a portion of the co-acting part 11/2 or 11/4 (see figures 1, 6 and 12).

Regarding claim 23, Andris discloses the turned-back edge 17 comprises a thickened edge (fig. 12) and wherein the thickened edge rests on the top portion of the co-acting part 11/4 (see figure 12).

Regarding claim 24, Andris discloses the outer wall of the co-acting part 11/2 includes a first and second conical part (see marked-up figure 6).

Regarding claim 25, Andris discloses the first conical part includes an angle of inclination which is different than an angle of inclination of the second conical part (see marked-up figure 6).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Andris (US 5,014,881) in view of Santagiuliana (US 6,715,649).**

Regarding claim 17, Andris discloses all the elements of the claimed invention except the legs being z-shaped.

Santagiuliana teaches a pump having a suction valve including three legs 20 being z-shaped allowing the central portion 21 of the valve to rise during the liquid suction phase (see figure 3).

Thus, one of ordinary skill in the art would recognize that the known option of forming the legs being z-shaped involves only routine skill in the art, for the predictable result of allowing valve displacement during the liquid suction phase.

### ***Allowable Subject Matter***

Claims 26 and 27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Response to Arguments***

Applicant's arguments submitted under "Remarks" in the response filed on 11/20/2009 have been fully considered but are moot in view of the new rejections made in this action.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Micallef (US 3,749,290) and Hempel (US 5,236,204) show other devices.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT K. NICHOLS II whose telephone number is (571)270-5312. The examiner can normally be reached on Mon-Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 571-272-4720. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/R. K. N./  
Examiner, Art Unit 3754

/Kevin P. Shaver/  
Supervisory Patent Examiner, Art  
Unit 3754